

Attachment A

Draft Resolution

RESOLUTION NO. 2015-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWPORT BEACH, CALIFORNIA, APPROVING THE LOCAL
COASTAL PROGRAM IMPLEMENTATION PLAN (PA2013-001)**

WHEREAS, the California Coastal Act of 1976 (Coastal Act) established policies relating to shoreline public access and recreation, lower cost visitor accommodations, terrestrial and marine habitat protection, visual resources, landform alteration, agricultural lands, commercial fisheries, industrial uses, water quality, offshore oil and gas development, transportation, development design, power plants, ports, and public works;

WHEREAS, to achieve maximum responsiveness to local conditions, accountability, and public accessibility, the Coastal Act relies heavily on local government and local land use planning procedures and enforcement through the preparation of Local Coastal Programs;

WHEREAS, the Land Use Plan portion of the City of Newport Beach's (City) Local Coastal Program (LCP) was adopted in 2005 and certified by the California Coastal Commission (Coastal Commission) in 2005; however, the Implementation Plan of the LCP was not completed;

WHEREAS, in 2001, the California Legislature adopted Senate Bill 516, which amended the Coastal Act to require the City to submit a LCP to the Coastal Commission for approval and certification;

WHEREAS, a public hearing was held on October 8, 2015, in the Council Chambers located at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code and California Public Resources Code Section 30503. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this hearing. The Planning Commission adopted Resolution No. 1996 recommending approval of the LCP Implementation Plan to the City Council; and

WHEREAS, a public hearing was held on November 10, 2015, in the Council Chambers located at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code and California Public Resources Code Section 30503. Evidence, both written and oral, was presented to, and considered by, the City Council at this hearing.

NOW THEREFORE, the City Council of the City of Newport Beach hereby resolves as follows:

Section 1: The recitals provided above are true and correct and are incorporated into the operative part of this resolution.

Section 2: The City Council finds that pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the LCP is statutorily exempt from CEQA, pursuant to Section 15265(a)(1) of the California Code of Regulations, Title 14, and

Chapter 3 of the Coastal Act, because CEQA does not apply to a local government's preparation and adoption of a local coastal program.

Section 3: The City Council finds that pursuant to California Public Resources Code Section 30503, the City provided maximum opportunities for the public and all affected governmental agencies to participate in the preparation and certification of the LCP Implementation Plan, including, but not limited to, the following outreach efforts:

1. In January 2015, the City distributed the following notices announcing that a draft of the LCP Implementation Plan was available online and at all branches of the Newport Beach Public Library. Furthermore all interested persons were invited to attend LCP community meetings.
 - a. A mailer to all property owners in the coastal zone.
 - b. Display ads published in the *Daily Pilot* newspaper.
 - c. A news release.
 - d. Posting on the City's social media sites.
 - e. A City E-mail news alert.
 - f. A letter mailed to community associations.
 - g. Notice of Availability to local governments and state and federal agencies.
 - h. Notice to any member of the public who so requested.
2. Community meetings on the Draft Implementation Plan were conducted on February 11, 2015, February 18, 2015, February 25, 2015, and March 4, 2015.
3. The Harbor Commission held a study session on the Draft Implementation Plan on May 13, 2015.
4. The Planning Commission held study sessions on the Draft Implementation Plan on April 23, 2015, September 3, 2015, and September 17, 2015.
5. Notice of availability of the LCP Implementation Plan Public Hearing Draft and public hearings was mailed to local governments and state and federal agencies on September 23, 2015.
6. Notice of public hearings was mailed to all property owners in the coastal zone.
7. Notice of the Planning Commission and City Council public hearings were published in the *Daily Pilot* as an eighth page advertisement, consistent with the provisions of the Municipal Code.

Section 4: The City Council finds that pursuant to the Coastal Act, the City actively consulted and collaborated with Coastal Commission staff during the preparation of the LCP Implementation Plan.

Section 5: The City Council finds that the LCP Implementation Plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with California Public Resources Code Sections 30200 *et seq.*) of the Coastal Act.

Section 6: The City Council finds that the LCP Implementation Plan conforms with, and is adequate to carry out, the provisions of the certified Coastal Land Use Plan.

Section 7: The City Council of the City of Newport Beach hereby approves the Local Coastal Program Implementation Plan as attached in Exhibit A, and incorporated herein by reference.

Section 8: The City’s certified Coastal Land Use Plan, including the LCP Implementation Plan, will be carried out fully in conformity with the Coastal Act.

Section 9: The City Council hereby authorizes City staff to submit the following applications to the California Coastal Commission for review and approval:

1. The LCP Implementation Plan;
2. A request to adjust the inland boundary of the coastal zone as depicted in Exhibit B, attached and incorporated herein by reference; and
3. A request to extend the terms and conditions of Categorical Exclusion Order E-77-5.

Section 10: The LCP Implementation Plan and coastal zone boundary adjustments shall not become effective until adoption by ordinance of the City Council of the City of Newport Beach and certification by the California Coastal Commission.

Section 11: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 12: This resolution shall take effect immediately upon its adoption by the City Council and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this _____ day of _____, 2015.

Edward D. Selich, Mayor

ATTEST:

Leilani I. Brown, City Clerk

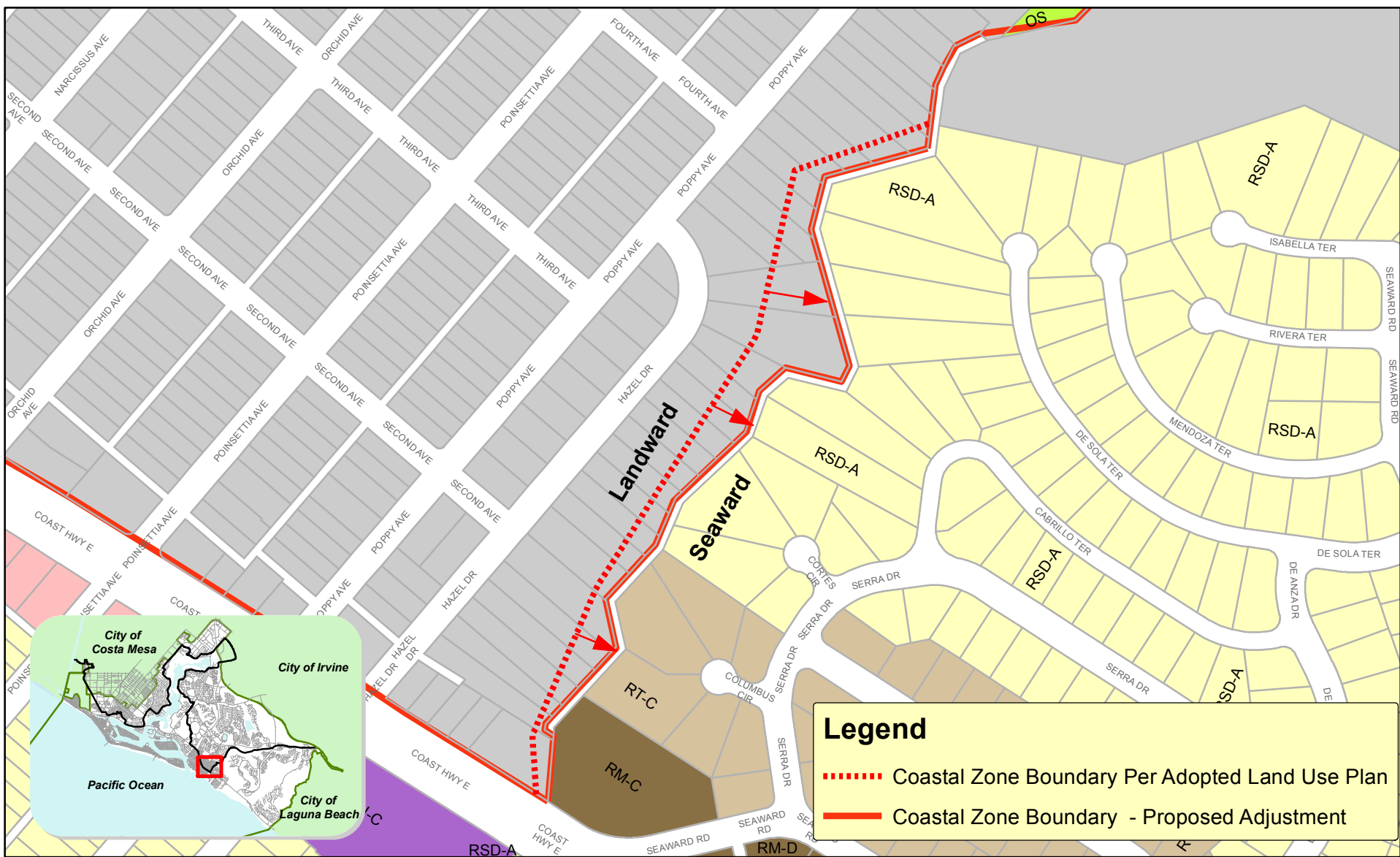
EXHIBIT A

Draft Local Coastal Program Implementation Plan
CC Draft 1

(Available separate due to bulk)

EXHIBIT B

Coastal Zone Boundary Adjustment Maps

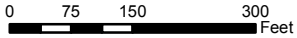


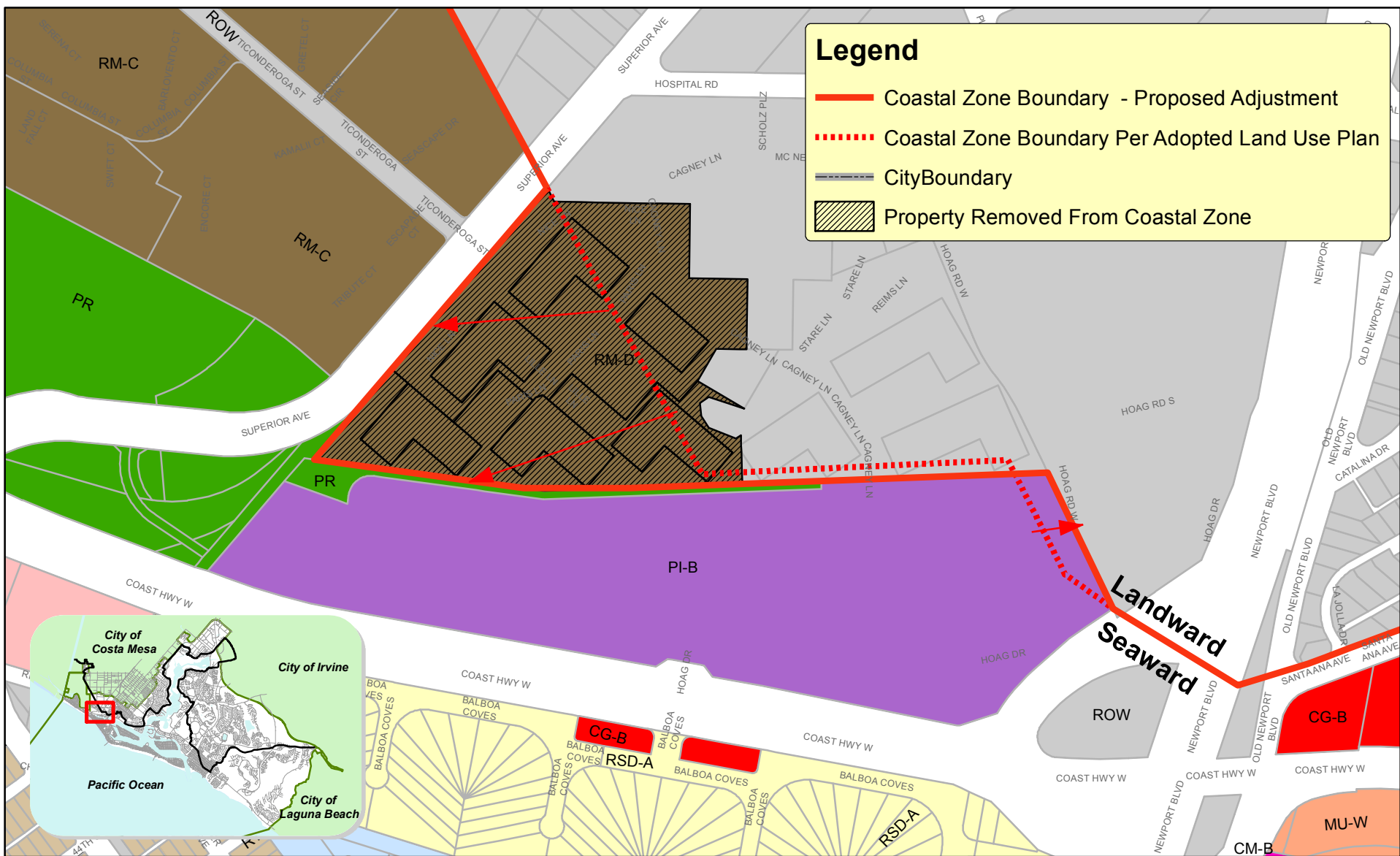
Legend

- Coastal Zone Boundary Per Adopted Land Use Plan
- Coastal Zone Boundary - Proposed Adjustment



Upper Buck Gully



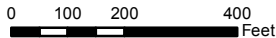


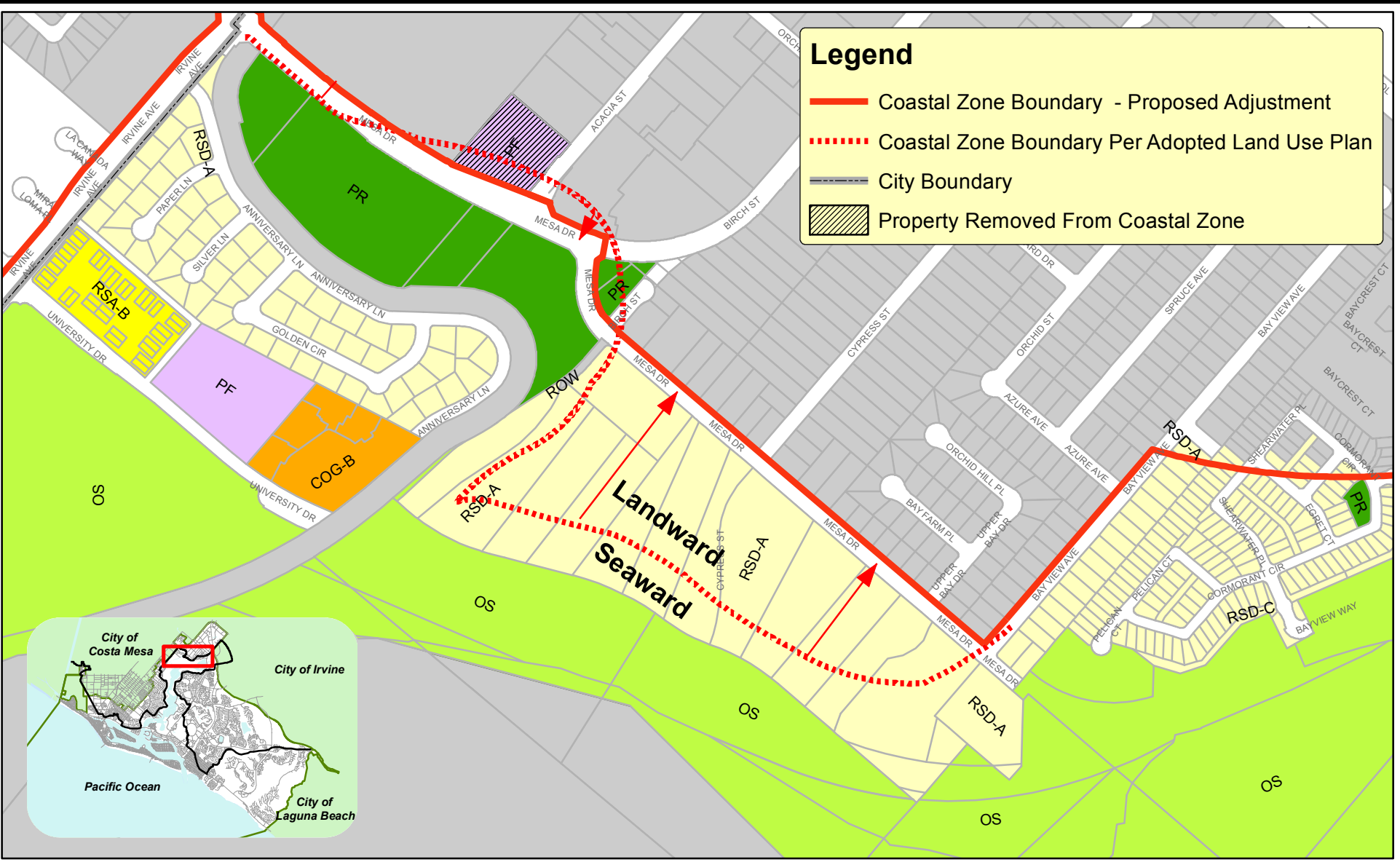
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- Coastal Zone Boundary - Proposed Adjustment
- ⋯ Coastal Zone Boundary Per Adopted Land Use Plan
- City Boundary
- Property Removed From Coastal Zone



Hoag Hospital



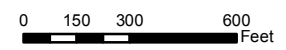


Legend





- Coastal Zone Boundary - Proposed Adjustment
- ⋯ Coastal Zone Boundary Per Adopted Land Use Plan
- City Boundary
- Property Removed From Coastal Zone

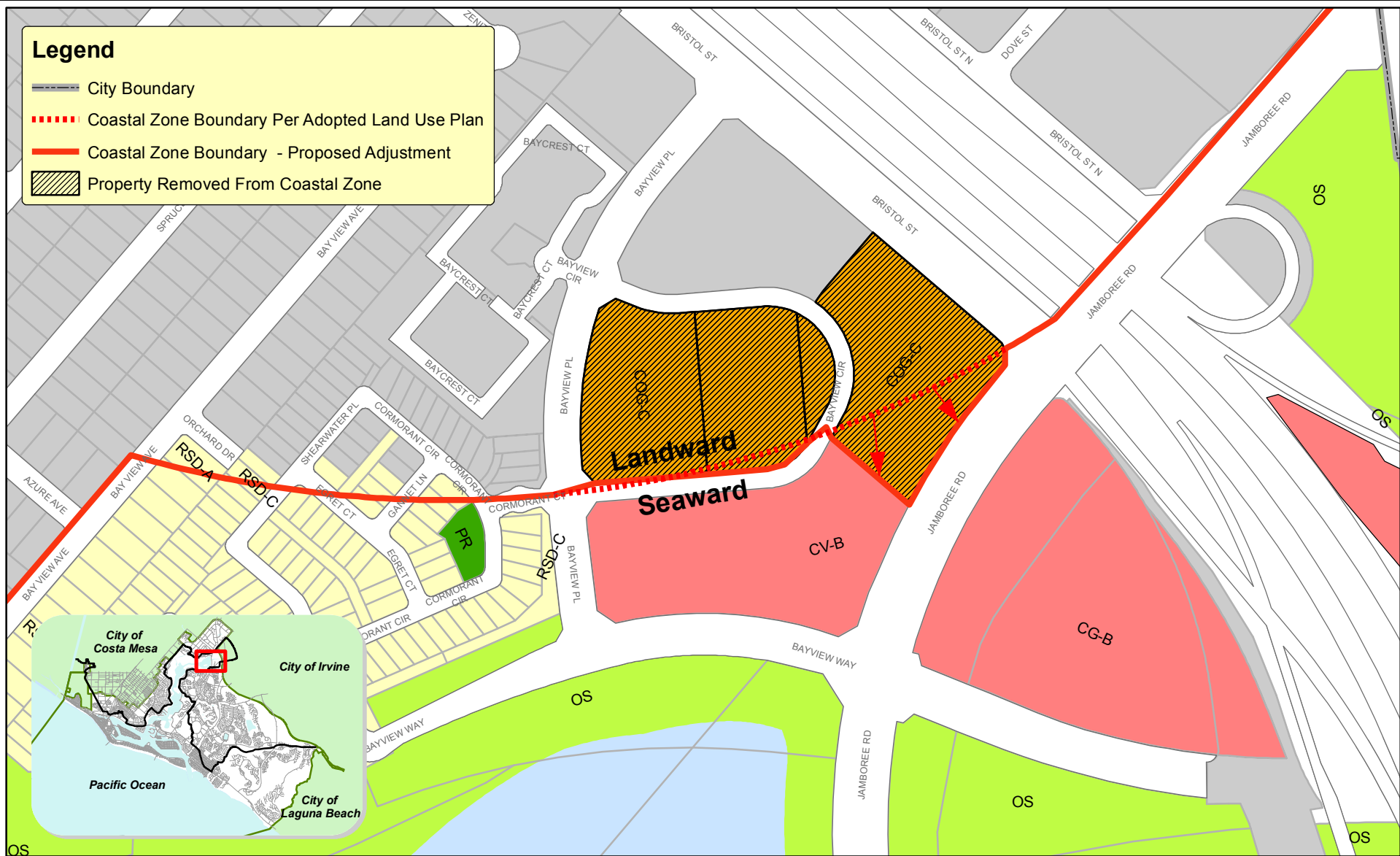


Upper Back Bay / Mesa Drive Alignment

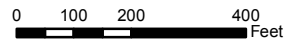


Legend





-  City Boundary
-  Coastal Zone Boundary Per Adopted Land Use Plan
-  Coastal Zone Boundary - Proposed Adjustment
-  Property Removed From Coastal Zone

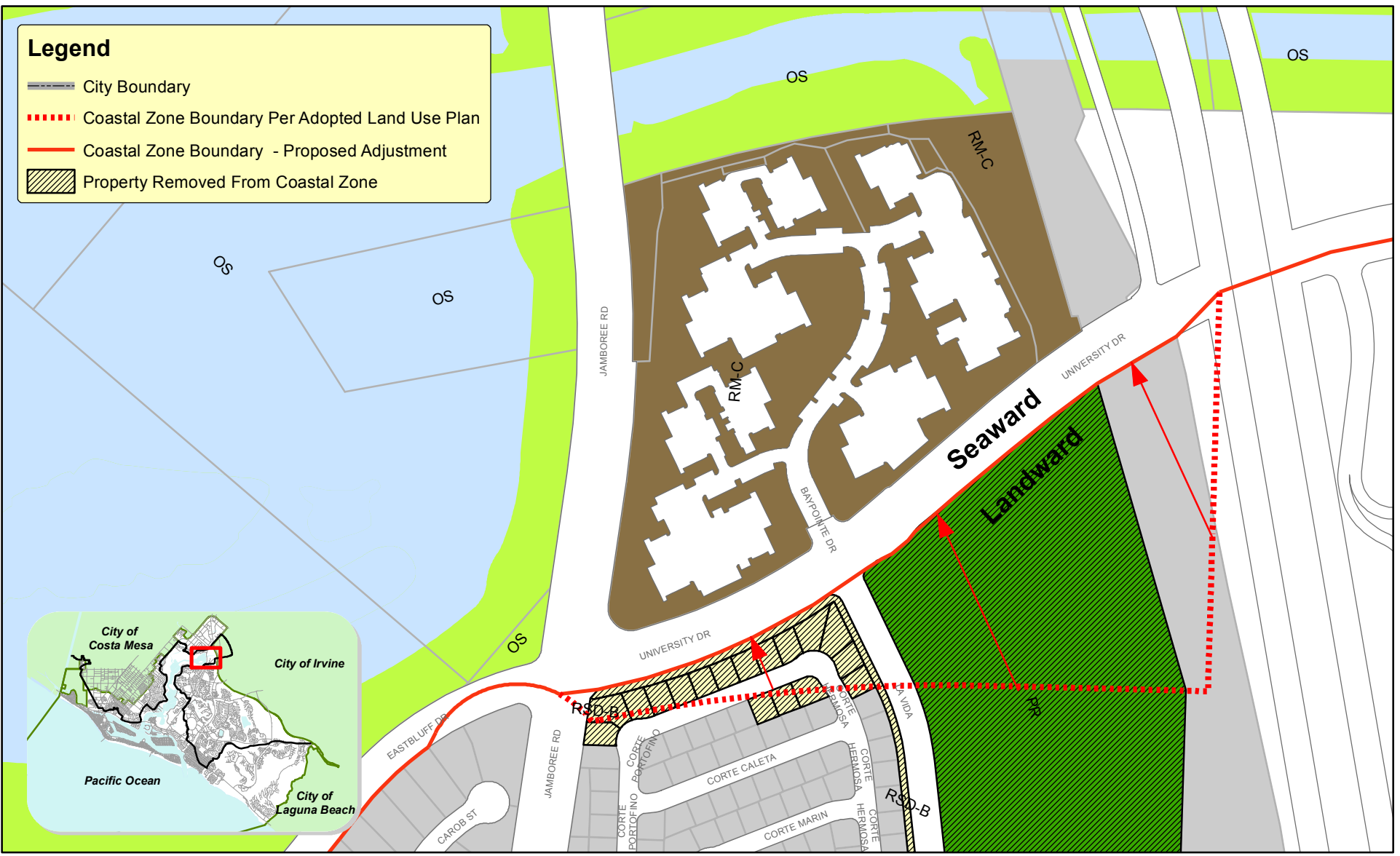


Upper Back Bay / Bayview



Legend

-  City Boundary
-  Coastal Zone Boundary Per Adopted Land Use Plan
-  Coastal Zone Boundary - Proposed Adjustment
-  Property Removed From Coastal Zone



Upper Back Bay / University Drive Alignment

